

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LOEURTH SOK,

Petitioner,

V.

KATHLEEN DENNEHY,

Respondent.

Civil Action No. 05-11358-RGS

**RESPONDENT'S RULE 5 APPENDIX ACCOMPANYING HER
ANSWER TO AMENDED PETITION**

Respondent Kathleen Dennehy (the “Respondent”), in accordance with Rule 5 of the Rules Governing Section 2254 Cases (“Rule 5”), hereby submits this appendix accompanying her answer to the Habeas Corpus Petition, as amended, (the “Amended Petition”) filed by Petitioner Loeurth Sok (the “Petitioner”).

1. The following materials of the type listed in Rule 5(d) have previously been filed in this action:

- a) Brief for the Defendant-Appellant Loeurth Sok in connection with Commonwealth v. Loeurth Sok, Appeal No. 2002-P-1248 in the Massachusetts Appeals Court, which was filed as Exhibit 1 to the Petitioner’s initial Petition (the “Petition”);
- b) Reply Brief for the Defendant-Appellant Loeurth Sok in connection with Commonwealth v. Loeurth Sok, Appeal No. 2002-P-1248 in the Massachusetts Appeals Court, which was filed as Exhibit 2 to the Petition;

- c) Decision in connection with Commonwealth v. Loeurth Sok, Appeal No. 2002-P-1248 in the Massachusetts Appeals Court, which was filed as Exhibit 3 to the Petition;
 - d) Defendant-Appellant Loeurth Sok's Application for Further Appellate Review in connection with Commonwealth v. Loeurth Sok, Case No. FAR-14148 in the Massachusetts Supreme Judicial Court, which was filed as Exhibit 4 to the Petition and as Exhibit E to the Respondent's Memorandum of Law in Support of Her Motion to Dismiss Petition;
 - e) Appendix to Defendant-Appellant Loeurth Sok's Application for Further Appellate Review in connection with Commonwealth v. Loeurth Sok, Case No. FAR-14148 in the Massachusetts Supreme Judicial Court, which was filed as Exhibit 5 to the Petition and as Exhibit F to the Respondent's Memorandum of Law in Support of Her Motion to Dismiss Petition; and
 - f) Decision in connection with Commonwealth v. Loeurth Sok, Case No. FAR-14148 in the Massachusetts Supreme Judicial Court, which was filed as Exhibit 6 to the Petition.
2. Attached hereto as Exhibits, in multiple volumes, are the following materials:¹
- Exhibit A. Appendix to Brief for the Defendant-Appellant Loeurth Sok in connection with Commonwealth v. Loeurth Sok, Appeal No. 2002-P-1248 in the Massachusetts Appeals Court;

¹ Pursuant to Local Rule 5.4(g)(1)(e), such Exhibits are being filed in paper form and not in electronic form. A Notice of Filing with Clerk's Office concerning such Exhibits is being filed herewith.

Exhibit B. Brief and Supplemental Record Appendix for the Commonwealth in connection with Commonwealth v. Loeurth Sok, Appeal No. 2002-P-1248 in the Massachusetts Appeals Court;

Exhibit C. Supplemental Appendix to Brief for the Defendant-Appellant Loeurth Sok in connection with Commonwealth v. Loeurth Sok, Appeal No. 2002-P-1248 in the Massachusetts Appeals Court;

Exhibit D. Transcript of Hearing on Motion to Suppress in connection with Commonwealth v. Loeurth Sok, Case No. MICR1999-00419 in the Middlesex County, Massachusetts, Superior Court;

Exhibit E. Volume I of the Transcript of the Trial in connection with Commonwealth v. Loeurth Sok, Case No. MICR1999-00419 in the Middlesex County, Massachusetts, Superior Court;

Exhibit F. Volume II of the Transcript of the Trial in connection with Commonwealth v. Loeurth Sok, Case No. MICR1999-00419 in the Middlesex County, Massachusetts, Superior Court;

Exhibit G. Volume III of the Transcript of the Trial in connection with Commonwealth v. Loeurth Sok, Case No. MICR1999-00419 in the Middlesex County, Massachusetts, Superior Court;

Exhibit H. Volume IV of the Transcript of the Trial in connection with Commonwealth v. Loeurth Sok, Case No. MICR1999-00419 in the Middlesex County, Massachusetts, Superior Court; and

Exhibit I. Volume V of the Transcript of the Trial in connection with
Commonwealth v. Loeurth Sok, Case No. MICR1999-00419 in the
Middlesex County, Massachusetts, Superior Court.

3. The docket in connection with Commonwealth v. Loeurth Sok, Appeal No. 2002-P-1248 in the Massachusetts Appeals Court, additionally reflects the Petitioner's filing of a post-argument letter to the court. Counsel for the Respondent does not have a copy of such letter in his possession, and the office of the Clerk of the Massachusetts Appeals Court has indicated that it would not have a copy of such letter.
4. Seven volumes of transcripts from the Petitioner's pre-trial proceedings, trial, and sentencing are available. All volumes except a single volume from the Petitioner's sentencing are attached hereto. The volume from the Petitioner's sentencing can be made available on two business days' notice.
5. The Respondent is not aware of any further transcripts prepared in connection with Petitioner's pre-trial proceedings, trial, sentencing, or post-conviction proceedings.
6. The February 12, 2004 oral argument in connection with Commonwealth v. Loeurth Sok, Appeal No. 2002-P-1248 in the Massachusetts Appeals Court, has been recorded, but not transcribed. Additionally, it is the Respondent's understanding that proceedings listed on the docket in connection with Commonwealth v. Loeurth Sok, Case No. MICR1999-00419 in the Middlesex County, Massachusetts, Superior Court, other than those referenced above, have been recorded, but not transcribed.

The Respondents respectfully reserve the right to amend or supplement this Appendix in the future should that need arise.

Respectfully submitted,

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ATTORNEY GENERAL

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Dated: March 16, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the Electronic Case Filing system, without its exhibits, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies, with all exhibits, will be sent to those indicated as registered participants and to non-registered participants by first-class mail, postage prepaid, on the date set forth below.

Dated: March 16, 2007

/s/ Randall E. Ravitz
Randall E. Ravitz